

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Newport News Division

DAVID ANTHONY RUNYON,

Petitioner,

v.

CIVIL NO. 4:15cv108

[ORIGINAL CRIMINAL NO. 4:08cr16]

UNITED STATES OF AMERICA,

Respondent.

ORDER

This matter comes before the court regarding several motions that were filed by Petitioner in the final days before his evidentiary hearing. On February 7, 2023, the parties convened before the court for the first day of the hearing, at which time the court ruled on Petitioner's motions, as set forth hereto.

For the reasons stated from the bench on February 7, 2023, Petitioner's Second Motion to Expand the Record, ECF No. 769, was **DENIED**; Petitioner's Motion to Permit an Additional Person to Sit at Counsel Table, ECF No. 756, was conditionally **DENIED**; Petitioner's Motions to Exclude Evidence Unrelated to the Strickland Inquiry, ECF No. 729, and that Violates Petitioner's Protections Under the Attorney-Client Privilege, ECF No. 731, were **DENIED**. Regarding Petitioner's Motion for Discovery, ECF No. 737, for the reasons stated from the bench, the court **DENIED** the motion to the extent it sought the United States' attorney-work-product

and **FOUND** that the United States had already produced the remainder of the motion's requests.

The Clerk is **DIRECTED** to forward a copy of this Order to counsel for Petitioner and the United States Attorney at Newport News.

**IT IS SO ORDERED.**

/s/   
Rebecca Beach Smith  
Senior United States District Judge

---

REBECCA BEACH SMITH  
SENIOR UNITED STATES DISTRICT JUDGE

February 8 , 2023